

EXHIBIT 34

3/3/2025

Richard Kadrey, et al. v. Meta Platforms, Inc.
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Michael Clark 30(b)(6)

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STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, ET AL.,)

Individual and Representative)

Plaintiffs,) Lead Case No.

v.)

3:23-cv-03417-VC

META PLATFORMS, INC.,)

Defendant.)

* * * HIGHLY CONFIDENTIAL * * *

* * * ATTORNEYS' EYES ONLY * * *

VIDEO-RECORDED 30(b)(6) DEPOSITION OF

MICHAEL CLARK (torrenting)

MONDAY, MARCH 3, 2025

DENVER, COLORADO

10:20 A.M. MST

REPORTED BY KATHY L. DAVIS, CRR, RMR

DIGITAL EVIDENCE GROUP
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1	A	Not that I am aware of.	11:39:44
2	Q	When did Meta's torrenting of Anna's	11:39:47
3		Archive end?	11:39:49
4	A	In conversations with Xiaolan, it was	11:39:54
5		somewhere between April and June of 2024. And as far	11:40:01
6		as I know, those completed in June of 2024.	11:40:07
7	Q	So Meta began torrenting in April and	11:40:12
8		completed its torrenting in June?	11:40:16
9	A	For the work that Xiaolan was doing, yes.	11:40:20
10	Q	So it was two months of torrenting --	11:40:27
11		MR. WEINSTEIN: Object. Object to form.	11:40:30
12	Q	(BY MS. POUEYMIROU) -- or thereabouts?	11:40:32
13	A	It was -- the job would be started and	11:40:34
14		then other pieces, so two months.	11:40:39
15	Q	How many computers?	11:40:41
16	A	There were -- I'd have to refresh my	11:40:49
17		conversation with Xiaolan. If I'm remembering	11:40:53
18		correct, it was six VPCs that were configured, but I	11:40:57
19		believe that is also reflected in the expert report	11:41:03
20		that I can go look at as well.	11:41:06
21	Q	So six computers running in parallel were	11:41:16
22		torrenting data from Anna's Archive?	11:41:21
23	A	Six machines were configured in order to	11:41:27
24		be able to tur -- to torrent. They were not always	11:41:29
25		running in parallel.	11:41:32

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1	Q	Okay. So it seems --	11:41:33
2	A	That --	11:41:35
3	Q	Would it be fair to say that if you	11:41:36
4		wanted to understand Meta's torrenting from April to	11:41:38
5		June --	11:41:43
6	A	Yes.	11:41:45
7	Q	-- of works encompassed by Anna's	11:41:45
8		Archive, Xiaolan Wang would be the person you would	11:41:48
9		want to speak with?	11:41:54
10		MR. WEINSTEIN: Object to form.	11:41:55
11	A	That is correct.	11:41:55
12	Q	(BY MS. POUEYMIROU) Was she the head of	11:41:56
13		that project?	11:41:57
14		MR. WEINSTEIN: Object to form.	11:42:00
15	A	She was the engineer that did the actual	11:42:01
16		downloading. I don't know what you mean by "the head	11:42:08
17		of that project."	11:42:09
18	Q	(BY MS. POUEYMIROU) Were other employees	11:42:10
19		at Meta torrenting work from Anna's Archive or was	11:42:12
20		this Xiaolan's project that she oversaw singularly?	11:42:15
21	A	That was Xiaolan's project that she was	11:42:20
22		working on.	11:42:23
23	Q	Who approved the use of torrenting for	11:42:26
24		Anna's Archive?	11:42:29
25		MR. WEINSTEIN: Object to form.	11:42:30

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1 A There is no approval or disapproval that 11:42:35

2 I am aware of for torrenting. 11:42:38

3 Q (BY MS. POUEYMIROU) Would you call the 11:42:48

4 creation of the 60-second script that Bashlykov made 11:42:49

5 a copyright mitigation? 11:42:54

6 MR. WEINSTEIN: Object to form. Outside 11:42:56

7 the scope of this part of the deposition. 11:42:58

8 MS. POUEYMIROU: Fair. 11:43:05

9 A It was not -- and then we'll talk about 11:43:08

10 this in the other section. But it was not a specific 11:43:11

11 mitigation that had been applied -- 11:43:14

12 Q (BY MS. POUEYMIROU) Okay. 11:43:18

13 A -- or that had been designated. 11:43:18

14 Q Okay. So I wanted to actually go back in 11:43:22

15 time to September/October of 2022 to a man called Gui 11:43:27

16 in our previous deposition. Who was that; do you 11:43:36

17 recall? 11:43:39

18 A Guillaume? 11:43:42

19 Q And Guillaume was the first Meta 11:43:43

20 employee, as far as we know, who copied data from 11:43:46

21 LibGen; is that correct? 11:43:51

22 A It was understood that Guillaume had done 11:43:55

23 work with LibGen, but we have not been able to track 11:43:59

24 down any evidence of what had been downloaded or been 11:44:06

25 able to find that -- any more details. 11:44:10

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1 A I'll have to go look. 12:13:13

2 Q I don't think it's actually in there. 12:13:14

3 It's okay. We don't -- we don't need to follow that. 12:13:21

4 But your position here is that he's just 12:13:24

5 concerned about storage space and not about -- 12:13:25

6 A I'm -- 12:13:27

7 Q -- using a corporate laptop to -- 12:13:28

8 MR. WEINSTEIN: Sorry. I'm -- 12:13:30

9 A -- saying that there wasn't enough 12:13:31

10 context. 12:13:32

11 MR. WEINSTEIN: Yeah. Object to form, 12:13:33

12 calls for speculation. 12:13:33

13 Q (BY MS. POUEYMIROU) Okay. 12:13:34

14 MR. WEINSTEIN: Let's slow down a little 12:13:34

15 bit. 12:13:35

16 Q (BY MS. POUEYMIROU) But you didn't -- 12:13:37

17 when you were preparing today for your deposition on 12:13:39

18 torrenting, did you speak with anyone about concerns 12:13:41

19 that were expressed on the legality or 12:13:46

20 appropriateness of torrenting data? 12:13:52

21 MR. WEINSTEIN: Object to form. 12:13:56

22 A In my prior -- 12:13:59

23 MR. WEINSTEIN: Again, exclude any 12:14:00

24 communication with counsel, to the extent applicable. 12:14:01

25 A In my prior preparation for prior 12:14:04

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1 depositions, spoke to Nikolay Bashlykov and David 12:14:06
2 Esiobu and Melanie about where concerns had been 12:14:10
3 expressed. None of the individuals that expressed 12:14:16
4 those concerns were counsel. 12:14:21

5 And were -- those individuals were sought 12:14:25
6 to seek advice from product counsel and follow 12:14:28
7 instructions and guidance that came from them. 12:14:34

8 Q (BY MS. POUHEYMIROU) So Mr. Clark, you 12:14:36
9 keep referring to preparation for your prior 12:14:37
10 deposition, which wasn't about torrenting. So I just 12:14:39
11 want to make sure that we're clear. We discussed 12:14:42
12 torrenting because it was in a document in your prior 12:14:47
13 deposition. Did you actually speak to Meta employees 12:14:49
14 about torrenting specifically when -- in preparation 12:14:52
15 for your depositions in November? 12:14:56

16 MR. WEINSTEIN: Object to form. 12:14:58

17 A We -- I spoke to -- in preparation for 12:15:03
18 being able to speak to mitigations that had been done 12:15:07
19 and -- and then the scope of the prior depositions, 12:15:10
20 there was overlap on these documents on people 12:15:18
21 expressing concern about both the use of the data for 12:15:23
22 training -- 12:15:29

23 Q (BY MS. POUHEYMIROU) Mm-hmm. 12:15:30

24 A -- and, as part of that use, method of 12:15:30
25 collection. 12:15:36

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1 and I -- so I don't -- employees had expressed that 01:30:13

2 concern. But also, we're not having conversations 01:30:23

3 with counsel. 01:30:31

4 Q I'm sorry. I didn't catch that part. 01:30:33

5 A I -- 01:30:35

6 Q "But also we're not having conversations 01:30:35

7 with counsel"? 01:30:39

8 A Do you mind asking that question again? 01:30:39

9 I apologize. 01:30:41

10 MR. WEINSTEIN: I lost it too. May be my 01:30:42

11 fault. 01:30:44

12 Q (BY MS. POUEYMIROU) My question was, 01:30:44

13 you've confirmed that several employees expressed 01:30:46

14 concerns about torrenting LibGen? Is that correct? 01:30:49

15 A In the documents we've looked at, yes. 01:30:55

16 Q And my question was whether you had 01:30:57

17 spoken to anyone in preparation today -- this is not 01:31:01

18 the question I was -- I asked, but it is the question 01:31:07

19 I am asking now -- whether you spoke to anyone in 01:31:09

20 preparation today about how Meta handled the concerns 01:31:12

21 raised by several employees about the legality of 01:31:17

22 torrenting. 01:31:21

23 A We had addressed this in my prior 01:31:23

24 depositions as employees had raised concerns with -- 01:31:26

25 by having conversations with counsel and identifying 01:31:35

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1 and working through what the potential risks could 01:31:41
2 be. And so we can go back to my prior testimony for 01:31:45
3 that. 01:31:51

4 Q Is it Meta's position that torrenting 01:31:55
5 pirated data from LibGen is legally permissible? 01:32:00

6 MR. WEINSTEIN: Object to form, calls for 01:32:05
7 a legal conclusion. 01:32:12

8 And again, don't want to quibble here, 01:32:16
9 but you're talking about legally permissible, so I 01:32:18
10 have to caution the witness to exclude from his 01:32:20
11 answer any communications he may have had with 01:32:23
12 counsel. 01:32:25

13 Q (BY MS. POUEYMIROU) And so to clarify, 01:32:27
14 I'm not interested in communications. I'm interested 01:32:28
15 in the guidelines that employees are working pursuant 01:32:30
16 to. There's -- correct me if I'm wrong. There's 01:32:35
17 block lists that say, Don't get data from these 01:32:41
18 websites; is that correct? 01:32:43

19 MR. WEINSTEIN: Object to form. Outside 01:32:45
20 the scope of this part of the deposition. 01:32:47

21 A There are block lists on where to not 01:32:51
22 scrape data from. 01:32:56

23 Q (BY MS. POUEYMIROU) And so my question 01:32:57
24 again is, is it Meta's position then that torrenting 01:33:01
25 pirated data from LibGen is permissible? 01:33:06

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1	MR. WEINSTEIN: Same objections.	01:33:11
2	A I cannot answer that question without	01:33:17
3	exposing guidance from counsel.	01:33:18
4	Q (BY MS. POUEYMIROU) Okay. And so to	01:33:21
5	maybe ask it differently, in -- between April and	01:33:23
6	June of 2024 did Ms. Wang torrent pirated data from	01:33:31
7	LibGen?	01:33:42
8	MR. WEINSTEIN: Object to form, vague.	01:33:42
9	A From April to June of 2024 Ms. Wang	01:33:45
10	torrented data from portions of Anna's Archive.	01:33:50
11	Q (BY MS. POUEYMIROU) And that included	01:33:58
12	torrenting pirated data from LibGen; is that correct?	01:34:00
13	MR. WEINSTEIN: Object to form.	01:34:03
14	A I will just reinforce my answer. She	01:34:07
15	torrented data during that time period.	01:34:09
16	Q (BY MS. POUEYMIROU) And you're unwilling	01:34:18
17	to use the -- the term "pirated" for what reason?	01:34:19
18	A Well, I -- I don't know the direct	01:34:24
19	provenance of that data. And I know that Ms. Wang	01:34:27
20	torrented data during that time period.	01:34:33
21	Q Does Ms. -- when you spoke with Ms. Wang,	01:34:38
22	is it her or Meta's belief that LibGen has a license	01:34:41
23	for all the data it has --	01:34:45
24	MR. WEINSTEIN: Object to form, outside	01:34:48
25	the scope.	01:34:48

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1 Q (BY MS. POUEYMIROU) -- in its library? 01:34:49

2 MR. WEINSTEIN: Object to form. It's 01:34:51

3 outside the scope, calls for speculation. 01:34:51

4 A I do not know for Ms. Wang, but I cannot 01:35:02

5 answer that question without exposing conversations 01:35:11

6 with counsel. 01:35:14

7 MS. POUEYMIROU: Okay. How much time do 01:35:16

8 we have? 01:35:17

9 VIDEOGRAPHER: We've been on the record 01:35:18

10 2 hours, 18 minutes. 01:35:20

11 MS. POUEYMIROU: Okay. Why don't we take 01:35:21

12 a break, and then the next will be the end of this -- 01:35:22

13 THE DEPONENT: Okay. 01:35:26

14 MS. POUEYMIROU: -- deposition and then 01:35:26

15 we'll move to the next one. 01:35:27

16 VIDEOGRAPHER: All right. We're going 01:35:29

17 off the record at 1:36 p.m. 01:35:30

18 (A recess was taken.) 01:35:32

19 VIDEOGRAPHER: We are back on the record 01:49:19

20 at 1:50 p.m. 01:49:21

21 Q (BY MS. POUEYMIROU) Hello, Mr. Clark. 01:49:24

22 A (Deponent nodded.) 01:49:26

23 Q So before when we were talking I asked 01:49:26

24 you if it was Meta's position that torrenting pirated 01:49:29

25 data is permissible and you said you can't answer 01:49:33

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1 that question without exposing guidance from counsel. 01:49:35

2 Do you recall? 01:49:38

3 A Yes. 01:49:38

4 Q And just to clarify, when you're -- when 01:49:39

5 you say "counsel," you're referring to in-house 01:49:41

6 counsel; is that right? 01:49:43

7 A Correct. 01:49:45

8 Q So before -- 01:49:46

9 A Product -- product counsel, in-house 01:49:47

10 counsel. 01:49:49

11 Q Okay. Who specifically? 01:49:49

12 A That would be across that -- which time 01:49:55

13 frame? 01:49:58

14 Q Well, the documents that we have just 01:50:00

15 been talking about were in the April/May 2024 and 01:50:02

16 then January of 2020- -- April/May 2023, January of 01:50:07

17 2024. Would it be different counsel? 01:50:11

18 MR. WEINSTEIN: Object to form. 01:50:15

19 A Some maternity leaves and such in there. 01:50:18

20 That's why I asked. It would be Mo Metanat and -- 01:50:21

21 and primarily Lauren and Ahuva on her team, 01:50:25

22 A-h-u-v-a. 01:50:33

23 Q (BY MS. POUEYMIROU) Okay. So we were 01:50:38

24 just looking at a document where Mr. Bashlykov was 01:50:38

25 talking about the risks of seeding. 01:50:43

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1 MR. WEINSTEIN: Object to form. 02:15:53

2 A The -- could you ask that -- that wasn't 02:15:58
3 quite -- do you mind re-asking that? 02:16:01

4 Q (BY MS. POUEYMIROU) Yes. I am 02:16:04
5 wondering -- you have torrented in the past, as you 02:16:05
6 have spoken of -- 02:16:07

7 MR. WEINSTEIN: You mean Meta has 02:16:10
8 torrented in the past? 02:16:11

9 MS. POUEYMIROU: No. Mr. Clark, excuse 02:16:12
10 me, bootlegged Pearl Jam music, if I remember 02:16:13
11 correctly. 02:16:17

12 Q (BY MS. POUEYMIROU) What is it that 02:16:19
13 you're sharing when you torrent beyond the IP address 02:16:20
14 that can be traced back to you? 02:16:26

15 A The IP address is one of the more obvious 02:16:34
16 ones of the originating system. 02:16:36

17 Q Is there anything other than the IP 02:16:38
18 address? 02:16:39

19 A I did not prepare to discuss that 02:16:42
20 further, so I don't know. 02:16:46

21 Q Okay. So as far as you know at this 02:16:48
22 point, the concern is that -- an IP address that can 02:16:50
23 be traced back to Facebook or Meta, right? The 02:16:53
24 concern here is that a peer that Meta would be 02:16:59
25 sharing data with would be able to know it was Meta 02:17:03

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1	or Facebook?	02:17:07
2	A That's a little -- that's a misstatement	02:17:09
3	of what I -- I -- it would be details about Meta's	02:17:10
4	internal infrastructure and IP addresses and any	02:17:15
5	other potential information that might be shared in	02:17:19
6	any of the header details, not just that it's a Meta	02:17:22
7	or Facebook IP.	02:17:28
8	Q But you're unable to identify any of the	02:17:31
9	information beyond the Meta IP address that would be	02:17:33
10	shared?	02:17:36
11	A The internal Meta IP address --	02:17:36
12	Q Okay.	02:17:39
13	A -- and any other internal details --	02:17:40
14	Q Okay.	02:17:42
15	A -- not just the external. Those are --	02:17:42
16	those are different.	02:17:45
17	Q And so at this point in time, April 2024,	02:17:46
18	Mr. Bashlykov's scripts for seeding already exists?	02:17:49
19	A That's correct.	02:17:53
20	MR. WEINSTEIN: Object to form.	02:17:55
21	Q (BY MS. POUEYMIROU) Right?	02:17:56
22	A (Deponent nodded.)	02:17:56
23	Q So why are they still worried about this	02:17:57
24	risk?	02:18:00
25	MR. WEINSTEIN: Object to form, calls for	02:18:04

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1 STATE OF COLORADO)
2) ss. REPORTER'S CERTIFICATE
3 COUNTY OF DENVER)

4 I, Kathy L. Davis, do hereby certify that I am a
5 Registered Professional Reporter within the State of
6 Colorado; that previous to the commencement of the
7 examination, the deponent was duly sworn to testify
8 to the truth.

9 I further certify that this deposition was taken
10 in shorthand by me at the time and place herein set
11 forth, that it was thereafter reduced to typewritten
12 form, and that the foregoing constitutes a true and
13 correct transcript.

14 I further certify that I am not related to,
15 employed by, nor of counsel for any of the parties or
16 attorneys herein, nor otherwise interested in the
17 result of the within action.

18 In witness whereof, I have affixed my signature
19 this 4th day of March, 2025.

20


21

22

23

24

25


Kathy L. Davis
Certified Realtime Reporter